



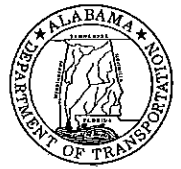
ALABAMA DEPARTMENT OF TRANSPORTATION

Bureau of County Transportation

1409 Coliseum Blvd., Montgomery, Alabama 36110-2060

Phone: (334) 242-6206 FAX: (334) 353-6530

Internet: <http://www.dot.state.al.us>



Bob Riley
Governor

Joe McInnes
Transportation Director

March 26, 2009

MEMORANDUM 2009-09

To: All County Engineers and
Division County Transportation Engineers

From: Mr. D.E. Phillips Jr., P.E.
State County Transportation Engineer

By: Thomas B. Moore Jr.
Thomas B. Moore Jr.
County Transportation Design Manager

Re: Procedural Guideline Revisions - Section 6
Right-Of-Way Acquisition

Please be advised that Section 6 of the *Procedural Guidelines for County Projects, 2007 Edition* has been revised as follows:

Page 6.2 - The second paragraph under "part 2" has been revised to require that a copy of the property owner documentation be sent to the division office.

Page 6.4 - The "acknowledgement" section of the property owner notification letter regarding property donations and the property owner's right to an appraisal has been revised, as recommended by Ms. Christian Christoffers, FHWA Realty Specialist.

A copy of both sheets is attached to update your manuals. These procedural changes are effective for any future federal-aid county projects. You may contact this office if you have any questions concerning this memorandum.

Copy: Mr. Steve Walker, P.E. - Right-Of-Way Engineer
File

RIGHT-OF-WAY ACQUISITION ON FEDERAL AID CONSTRUCTION PROJECTS

The following procedures **MUST** be followed in acquiring right-of-way (ROW) on all Federal Aid Projects. **FAILURE TO FOLLOW THESE PROCEDURES IN ACQUIRING RIGHT-OF-WAY ON MAJOR COLLECTOR PROJECTS AFTER DECEMBER 1969, AND ON MINOR COLLECTOR AND LOCAL ROAD AND STREET PROJECTS AFTER JANUARY 4, 1975, WILL MAKE THE PROJECT INELIGIBLE FOR FEDERAL AID FUNDING.** The minimum right-of-way required when new or additional right-of-way is obtained is 80 feet (24 meters) unless there is adequate justification and approval by the Bureau of County Transportation for less. **No Federal or State aid will be provided for right-of-way acquisition.**

If right-of-way is to be acquired on a *Federal Aid* project, a cultural resource assessment *must* be submitted to the Bureau of County Transportation. *State funded* projects *do not* require this assessment.

1. **UNDER NO CIRCUMSTANCES SHOULD RIGHT-OF-WAY BE ACQUIRED BEFORE THE CATEGORICAL EXCLUSION IS APPROVED AND YOU ARE ADVISED TO PROCEED WITH RIGHT-OF-WAY ACQUISITION BY THE BUREAU OF COUNTY TRANSPORTATION.** Once the categorical exclusion is approved, the County Engineer will be notified by the Bureau of County Transportation to proceed with right-of-way acquisition.
2. Acquisition of property on Federal-aid projects must be in accordance with Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, commonly called the Uniform Act. In addition to adhering to the following procedures, you should become familiar with the Bureau of Right of Way's Appraisal and Negotiations Procedural Manuals for additional guidance. These procedures are in accordance with the Uniform Act regulations and can be accessed at the Right-of-Way Bureau's web page:

<http://www.dot.state.al.us/Docs/Bureaus/Right-of-Way/Right-of-Way.htm>.

It must be documented in the county's files that each affected property owner was fully informed of his/her right to receive just compensation based on an appraisal for the acquisition of his/her property. A copy of this documentation shall be furnished to the Division office. If, after being so advised, the property owner is willing to donate and release the county from its obligation to appraise the property, he/she should be asked to sign a form similar to the example on page 6.4. If the owner does not want to sign the form, it should be noted, and the County Engineer or negotiator should state on the form that the owner understood all of his/her legal options in the acquisition of his/her property.

3. If the owner donates the property, the county accepts his/her donation and processes the title to the property in the usual manner.
4. If the owner indicates he/she wants compensation and the property value is anticipated to be *greater than* \$10,000.00, then an appraisal **MUST** be made by a qualified appraiser and reviewed by a qualified review appraiser (for right-of-way acquisition of property values of \$10,000.00 or less, see Section 6 below). At this point, the Division office **MUST** be contacted for appraisal and appraisal review assistance before any further discussion with the property owner concerning compensation is conducted. **IMPORTANT** – The property owner must be given an opportunity to accompany the appraiser during the examination of his/her property.

EXAMPLE LETTER TO PROPERTY OWNERS

(Revised 03/25/09)

_____ COUNTY

COUNTY ENGINEERING DEPARTMENT

_____, ALABAMA

Property Owner's Name & Address

Dear Sir or Madam:

Re:

Project No.	_____
County No..	_____
Tract No.	_____
County	_____

_____ County is in the process of acquiring Rights-of-Way (ROW) for the purpose of constructing the above referenced project. The proposed construction of this project will necessitate the acquisition of approximately _____ acre(s) of your property, which is identified as Tract No. _____ on our ROW map. You have the right to receive just compensation as determined by our Agency for your property which is based on an appraisal or waiver valuation. You also have the right to obtain your own appraisal to be considered by the Agency. You may choose to donate the property. Please indicate at the bottom of this letter if you choose to donate or receive just compensation for your property.

Yours truly,

County Engineer
_____ County

ACKNOWLEDGEMENT: This is to certify that I have been advised of my right to receive just compensation for my property and understand that I have the right to an appraisal.

_____ No. I do not wish to donate my property for the ROW for the project. I request to be paid just compensation.

_____ Yes. I desire to donate the property for the ROW and release the agency from the need to appraise the property.

Property Owner

Date